

# House Bill 2279

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Transportation and Economic Development)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Applies definition of "state government" to clarify meaning of "state" in relation to utility access to lands belonging to state.

## A BILL FOR AN ACT

1  
2 Relating to utility access to public land; amending ORS 758.010.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 758.010 is amended to read:

5 758.010. (1) Except within cities, any person [*or corporation*] has a right and privilege to con-  
6 struct, maintain and operate its water, gas, electric or communication service lines, fixtures and  
7 other facilities along the public roads in this state, as defined in ORS 368.001 or across rivers or  
8 over any lands belonging to [*the*] state **government, as defined in ORS 174.111**, free of charge, and  
9 over lands of private individuals, as provided in ORS 772.210. Such lines, fixtures and facilities shall  
10 not be constructed so as to obstruct any public road or navigable stream.

11 (2) A county governing body and the Department of Transportation have authority to designate  
12 the location upon roads under their respective jurisdiction, outside of cities, where lines, fixtures  
13 and facilities described in this section may be located, and subject to ORS 758.025 may order the  
14 location of any such line, fixture or facility to be changed when such governing body or department  
15 deems it expedient. Any line, fixture or facility erected or remaining in a different location upon  
16 such road than that designated in any order of the governing body or department is a public nui-  
17 sance and may be abated accordingly.

18 (3) The state officer, agency, board or commission having jurisdiction over any land belonging  
19 to [*the*] state **government, as defined in ORS 174.111**, with respect to which the right and privilege  
20 granted under subsection (1) of this section is exercised may impose reasonable requirements for the  
21 location, construction, operation and maintenance of the lines, fixtures and facilities on such land.  
22 The person [*or corporation*] exercising such right and privilege over any land belonging to [*the*] state  
23 **government, as defined in ORS 174.111**, shall pay the current market value for the existing forest  
24 products that are damaged or destroyed in exercising such right and privilege. Such right and  
25 privilege of any person [*or corporation*] is conditioned upon compliance with the requirements im-  
26 posed by this subsection.

27  

---

  
**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.